

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
Plaintiff,) CASE NO. CR11-131-MJP
v.)
TU ANH LE,) DETENTION ORDER
Defendant.)

Offense charged: Conspiracy to Distribute Controlled Substances; Distribution of MDMA; Forfeiture Allegations

Date of Detention Hearing: September 7, 2011.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

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01 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

02 1. Defendant has been charged with a drug offense, the maximum penalty of which
03 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to
04 both dangerousness and flight risk, under 18 U.S.C. § 3142(e).

05 2. Defendant's criminal history includes several failures to comply with sex
06 offender registration requirements, and failure to comply with sex offender treatment. The
07 AUSA proffers that defendant may have given false information regarding his phone number
08 and address in his current sex offender registration. Defendant was born in Vietnam and has
09 refugee immigrant status. His father returned to Vietnam, where he currently resides, after his
10 parents divorced about six years ago. There is conflicting information about whether
11 defendant has a child. Defendant has a prior drug felony conviction of approximately two
12 years ago, and the AUSA proffers that defendant could be charged as a career offender with a
13 possibility of a twenty year mandatory minimum sentence. Defendant was on Department of
14 Corrections supervision at the time of the alleged instant offense.

15 3. Taken as a whole, the record does not effectively rebut the presumption that no
16 condition or combination of conditions will reasonably assure the appearance of the defendant
17 as required and the safety of the community.

18 It is therefore ORDERED:

19 1. Defendant shall be detained pending trial and committed to the custody of the Attorney
20 General for confinement in a correction facility separate, to the extent practicable, from
21 persons awaiting or serving sentences or being held in custody pending appeal;
22 2. Defendant shall be afforded reasonable opportunity for private consultation with

counsel;

3. On order of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 7th day of September, 2011.

Mary Alice Theiler
Mary Alice Theiler
United States Magistrate Judge